

REMARKS

Attached hereto is a request for an extension of time and appropriate fee.

Applicant wishes to thank Examiner Perry and his Primary Examiner for the courtesy of a telephone conference on August 18, 2003.

During the conference, the *Kim* (U.S. Patent No. 5,763,994) and the *Sato et al.* (Japanese Laid-Open Patent Application No. 5-20250) were discussed along with proposed amendments to Claim 15. The comments on the other references of record are set forth in the following remarks.

At the conclusion of the interview, it was agreed that the undersigned attorney would submit claims setting forth the adjustable feature of moving a positioning-fixing member along the flat plate to permit an adjustment of the correction coil to a desired corrective position. It was believed such a feature was not taught by the references of record and presented not only an initial adjustable mounting of one or more correction coils towards or away from the color picture tube but further enabled repair or replacement parts to be subsequently adjustably mounted.

The Final Office Action basically continued a rejection over the admitted prior art of the applicant in view of the *Kim* (U.S. Patent No. 5,763,994) and the *Sato et al.* (Japanese Laid-Open Patent Application No. 5-20250). Thus, the independent Claims 1, 15 and 27 were rejected under the 35 U.S.C. § 103. The dependent claims 4, 9-12, 18 and 22 were further rejected over the combination of these three references when further taken in view of the *Kohzuki et al.* (U.S. Patent No. 4,788,470) and the *Hishiki et al.* (U.S. Patent No. 6,046,538).

The '470 patent and the '538 patent were primarily cited for their disclosure of legs and E-shaped cores. Claims 5-8 and 26 were further rejected over a combination of the admitted

prior art, the *Kim* patent, the *Kohzuki et al.* patent, the *Hishiki et al.* patent and the *Endo* (U.S. Patent No. 4,300,285) and the *Ishiwata* (U.S. Patent No. 5,433,498). By combining these six references, the Office Action contended it would be obvious to create such a hypothetical combination and relied upon the *Endo* and the *Ishiwata* references to disclose fixing purportedly a correction coil to a setting member. The *Endo* reference, however, is in a non-analogous art of safety razors, as was the *Ishiwata* reference which was directed to connecting trim to a body panel of a motor vehicle.

As the Examiner is aware, this is relatively crowded art with a number of highly skilled engineers and scientists attempting to achieve improvements due to the highly competitive nature of this marketplace. Savings in production costs while maintaining or improving performance is still a constant goal.

Thus when differences that may appear technologically minor nonetheless have a practical impact, particularly in a crowded field, the decision-maker must consider the obviousness of the new structure in this light.

Continental Can Co. USA Inc. v. Monsanto Co.,
20 USPQ 2d 1746, 1752 (Fed Cir. 1991).

The present invention relates to a structure and a technique of a so-called bend-up-less type deflection yoke shown in Figure 3 of our present application, wherein the electron gun side bend portion of the deflection yoke does not protrude from the outer surface of the funnel externally in the diameter direction. In order to permit the correction coil to be set above the electron gun side bend portion of the vertical deflection coil, and because the electron gun side bend portion is elongated on the electron gun side, the present invention provides a setting member 16 in the form of a plate whose surface faces the screen or front panel and is flat without any outward protuberances. Thus, the screen- or panel-facing wall surface and rear end of the

electron gun side bend portion of the vertical deflection coil are arranged to be positioned adjacent to each other. During production, it is possible to initially assemble the vertical deflection coil onto the insulating frame in a relatively uncomplicated, smooth manner, because the screen-facing surface of the plate does not have any protrudance that will get in the way. Additionally, it is still possible to arrange one or more correction coils to be adjustably moved along the flat plate screen-facing surface of the setting member by the use of one or more positioning fixing members that can be assembled after the vertical deflection coil has been assembled onto the insulating frame.

Thus, the insulating frame can be assembled in a manner which will automatically position the setting member, and during the subsequent assembling steps, the vertical deflection coil can be mounted on the insulating frame, and then the correction coil could be conveniently mounted above the outer surface of the electron gun side bend portion of the vertical deflection coil by movement towards or away from the color picture tube along the flat plate to a desired corrective position.

The principal *Kim* reference does not teach such a structural arrangement and further would apparently teach away from the positional arrangement set forth in our present claims since, as can be seen from Figure 3A of the '994 patent, *Kim* teaches an arrangement wherein a corrector 50 is set at the screen side of the plate in a position which is considerably behind (on the electron gun side) and away from the toroidal-type deflection yoke 34 on which the coil is wound on the core. Thus, the *Kim* reference does not disclose nor teach a bend-up-less type deflection yoke, which is disclosed in the present invention.

Kim also does not disclose an arrangement wherein the screen-facing wall surface of a setting member and the rear end of the electron gun side bend portion of the vertical deflection

coil are positioned adjacent to each other. Finally, *Kim* does not disclose or teach a correction coil which is detachable and is positioned above the outer surface of the electron gun side bend portion. Since the *Kim* deflection coil is not of the bend-up-less type, there is no need to set the correction coil above the outer surface of the electron gun side bend portion. In fact, since no electron gun side bend portion exists, it is readily apparent that the only suggestion of positioning such a correction coil is hindsight from the present application. *Kim* merely discloses an arrangement wherein the correction coil is disposed on the screen-facing surface of the plate which is provided on an electronic gun side of a toroidal-type deflection yoke.

Closely reviewing the disclosure in the *Kim* Figures 3A and 3B, it can be seen that the corrector 50 is actually positioned at substantially the same height as the rear end of the deflection yoke 34 is positioned. Thus, even if the deflection coil was positioned adjacent to the corrector 50, it would not be possible to position the correction coil above the outer surface of the deflection yoke 34. If hypothetically assuming that the *Kim* reference could be modified so that the corrector 50 was positioned above the deflection yoke 34, this position would be above the outer surface of the core, and the function of the corrector 50 would be totally disrupted since the magnetic field of the corrector 50 would be interrupted by the core. A person of ordinary skill in this field would not find any such hypothetical combination or teaching from the *Kim* reference.

[I]t is generally settled that the change in prior art device which makes the device inoperable for its intended purpose cannot be considered to be an obvious change

Hughes Aircraft Co. v. United States, 215 U.S.P.Q. 787,
804 (Ct.Cl. Trial Div. 1982).

Referring to the prior art admitted by applicant, which is also relied upon as a teaching reference, it can be seen from Figure 1 of our present application that the rear end of the electron

gun side bend portion is positioned adjacent to the back cover 31, and the correction coil is set above the outer surface of the electron gun side bend portion. This prior art disclosure does not disclose nor suggest a setting member in the form of a plate whose screen-facing surface is flat and does not disclose or teach a structure that allows the correction coil to be attached to a wall surface from the screen side.

The Office Action also relied upon the Japanese Laid-Open Patent Application 5-20250 to supplement the admitted deficiency of the *Kim* disclosure.

In relying upon a foreign patent to reject a claim, the Patent Office must construe the disclosure of the foreign reference strictly, and restrict the references to what is **clearly** and **definitely** closed.

CITC Industries, Inc. v. Manow International Corp.,
193 U.S.P.Q. 366, 368 (S.D.N.Y. 1996)
(emphasis in original).

The *Sato* 5-20250 reference allows a correction coil 6 to be detachably attached from the electron gun side at a set fixed position by a snap mounting of prongs or the edge of a lid and does not allow the correction coil to be attached to a similar screen-facing wall surface nor to be adjustably moved along the wall to a corrective position. Even if the back cap bobbin 5 of the *Sato* reference was hypothetically combined with the teachings of the plate of the present invention, it would not be structurally possible to have the correction coil 6 positioned above the outer surface of the electron gun side bend portion. *Sato* merely discloses one example of a structure that allows a correction coil to be snap mounted at a fixed position with respect to the deflection yoke. *Sato* clearly does not disclose or teach a structure in which a correction coil is positioned at the screen-facing wall surface and above the electron gun side bend portion of the vertical deflection coil and is movable relative to the wall surface to a corrective position.

As can be readily appreciated, in the zeal of the examination process wherein the Examiner must first fully acquaint himself with the teachings of the present invention carries with it an inherent problem of not only hindsight wherein an aggregation of references are utilized to reject the claims, but further eliminates an important invention feature wherein even the recognition of the problem itself can contribute to the unobviousness of the solution. The Office Action clearly acknowledges that the *Kim* reference is lacking, yet it simply assumes that the statutory obligations of obviousness can be resolved in hindsight from the teaching of the present application. The Office Action does not cite to any specific teaching reference that would direct the combination of the many and diverse references that are relied upon to form the present rejection.

Finally, to say that the missing step comes from the nature of the problem to be solved begs the question because the Board has failed to show that this problem had been previously identified anywhere in the prior art. See *In re Spinnable*, 405 F.2d 578, 585, 160 USPQ 237, 243 (CCPA 1969) ("[A] patentable invention may lie in the discovery of the source of a problem even though the remedy may be obvious once the source of the problem is identified.").

See *In Re Zurco*, 111 F.3d 887, 42 USPQ 2d 1476, 1479
(Fed. Cir. 1977).

In summary, applicant has amended the outstanding independent claims, and it is believed that the above comments, along with the amendments to the claims, not only resolved the issue of obviousness in favor of the applicant, but further do not add any new issues nor new material in accordance with the dictates of 37 C.F.R. § 1.116.

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Applicant accordingly believes that the case is now in condition for an allowance, and an early notification of the same is requested. If the Examiner believes that a telephone interview will help assist, he is respectfully requested to contact the undersigned attorney at the listed telephone number.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 9, 2003.

By: Sharon Farnus

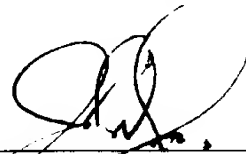


Signature

Dated: September 9, 2003

Very truly yours,

SNELL & WILMER L.L.P.



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